

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Monday 25 January 2016 at 11.00 am

Present:

Councillors: BA Durkin, DW Greenow and PJ McCaull

12. ELECTION OF CHAIRMAN

Councillor DW Greenow was elected as Chairman for the Regulatory Sub-Committee hearing.

13. DECLARATIONS OF INTEREST

There were no declarations of interest made.

14. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER. HR6 8JA - LICENSING ACT 2003

Members of the Council's Regulatory Sub Committee considered the above application, full details of which appeared before the Members in their agenda. Prior to making their decision the Members heard from Mr Fred Spriggs, Licensing Officer for Herefordshire Council and Ms Charmaine Brookes, the applicant.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003, the Guidance Issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy.

The Licensing officer confirmed that all requested certificates and documents requested at the Regulatory subcommittee of 14 December 2015 have now been provided to the satisfaction of the Licensing Officer.

The applicant confirmed that a new licenced security company was now in place in respect of the premises and that documents were available if required.

The subcommittee retired to make their decision and returned deliver the following decision.

DECISION:

This Regulatory Sub-Committee has heard an application for a new Premises licence made in respect of the Royal Oak Hotel Leominster.

It has referred and given weight to the appropriate statutory provision, best practice and evidence put before it by all parties.

This is the decision of the Regulatory Sub-Committee made in respect of an application for a new premises in respect of the Royal Oak Hotel, South Street, Leominster (the premises).

The Sub-Committee has carefully considered the application in line with the 4 Licensing Objectives and has referred to its last decision dated 14 December 2015. It is satisfied that the requirements made by it on this date have been met having been assured by the Licensing Officer.

The application is therefore granted that the premises should be licensed for those parts which are shown edged in pink on the plans which shall be attached to the Decision Notice and marked FS1 'A' and FS1 'B' – subject to the agreed conditions.

AGREED CONDITIONS

PREVENTION OF CRIME

1. A terminal hour for all licensable activities of midnight other than on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve when the terminal hours shall be 0100 hours.
2. All licensable areas shall be vacated within 30 minutes of the end of licensable activities.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 Days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, a authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.
4. On all occasions when regulated entertainment takes place (regulated entertainment is defined as those licensable activities shown within the licence but excluding the sale of alcohol and the provision of late night refreshment), a minimum of two (2) SIA Licensed Door staff shall be employed at the premises one hour prior to the commencement of regulated entertainment until the termination of all licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
5. At all other times the Premises Licence Holder or DPS will employ SIA doorstaff on a risk assessed. The risk assessment shall be in writing, available at the premises and be produced on demand for inspection by an 'authorised person'

(as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

6. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
7. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
8. A Personal licence Holder shall be on duty within the licensed area of the premises at all times when the premises operate for the sale of alcohol
9. All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Trading Standards. (All existing staff shall be trained within one month of the date that this condition appears on this licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained six monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
10. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.

PUBLIC SAFETY

11. All staff shall wear clothing which identifies them as members of staff of the premises.
12. A system shall be in place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police.
13. First aid

A HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

Electrical & Gas Installations

14. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
15. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Hypnotism

16. The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.

Maintenance, Repair and Cleanliness

17. All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
18. Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.
19. Capacity limits
The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

Prevention of Public Nuisance

20. Noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.
21. The premises licence holder or DPS or a responsible person nominated by either in writing shall check to ensure that noise emanating from the premises does not

cause public nuisance at least on an hourly basis whilst recorded or amplified live music is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem. A written log showing the time, the person making the check, observations made and any actions taken shall be kept on the premises and made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

22. A suitable and sufficient policy shall be implemented to ensure that rowdy or unsociable behaviour from patrons on the outdoor area is effectively controlled.
23. Doors to the lobbies to exits shall not be propped open.
24. A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises.
25. W.C. facilities are available to customers and are clearly signed.
26. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
27. All external doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.
28. 'Noise' from the premises must not be 'audible or discernible' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In this conditions; 'Noise' -is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernible' -is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises'.
29. Loudspeakers shall not be located in the entrance lobby or external to any part of the premises.
30. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises and at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
31. No waste such as bottles or refuse shall be placed outside the premises between 2200 hours and the end of licensable activities.
32. No external area at the premises shall be used after 23:00 hours for any licensable activities including the consumption of alcohol.

Protection of Children

33. No person under the age of 18 shall be permitted on the premises unless dining and accompanied by an adult aged 21 or over.
34. No person under the age of 18 shall be permitted on the premises after 2200hrs (save for being employed at the premises or a residential hotel guest)

35. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
36. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
37. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

15. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF: CO-OPERATIVE FOOD (THE FORMER OVERROSS GARAGE), OVERROSS STREET, ROSSON WYE, HR9 7AS - LICENSING ACT 2003

The Licensing officer confirmed that all conditions had been agreed with the applicant and therefore the application was not required to be considered by the committee today.

16. EXCLUSION OF PUBLIC AND PRESS

RESOLVED: That under section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

1 Information relating to any individual.

2 Information which is likely to reveal the identity of an individual.

17. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE H092 OUTSIDE STANDARD CONDITION 11.5

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

Members of the Council's Regulatory Sub-Committee considered the above appeal, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from the applicant and Fred Spriggs, representing the Licensing Authority.

Having carefully considered those matters brought before them, the Sub-Committee were of the opinion that the application be allowed as follows.

RESOLVED

It is the decision of the Sub-Committee that the application be allowed.

The Committee confirmed that a written copy of the decision would be issued to the applicant by the Licensing Authority

This concluded the meeting

The meeting ended at Time Not Specified

CHAIRMAN